

EXHIBIT 11

30(b)(6) Abbott (Fishman, David S.)

March 12, 2008

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL)
INDUSTRY AVERAGE WHOLESALE)
PRICE LITIGATION) MDL No. 1456
-----) Civil Action
This document relates to:) No. 01-12257-PBS
United States of America,)
ex. rel. Ven-a-Care of the)
Florida Keys, Inc.,) Hon. Patti Saris
vs.)
Abbott Laboratories, Inc.,) Magistrate Judge
CIVIL ACTION NO. 06-11337-PBS) Marianne Bowler

Videotaped 30(b)(6) deposition of DAVID S.
FISHMAN, called by the Plaintiffs for examination,
taken pursuant to notice, agreement and by the
provisions of the Rules of Civil Procedure for the
United States District Courts pertaining to the
taking of depositions, taken before DEBORAH HABIAN, a
Notary Public within and for the County of Cook,
State of Illinois, and a Certified Shorthand Reporter

30(b)(6) Abbott (Fishman, David S.)

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55 (Pages 214 to 217)

214	216
<p>1 approving the operating guidelines, the President of 2 HPD would not have required a prohibition against 3 spread marketing --</p> <p>4 MS. CITERA: Objection to the --</p> <p>5 BY MS. ST. PETER-GRIFFITH:</p> <p>6 Q. -- or AWP discussions with clients?</p> <p>7 MS. CITERA: Objection to the form, outside the 8 scope.</p> <p>9 MS. ST. PETER-GRIFFITH: It's not outside the 10 scope.</p> <p>11 THE WITNESS: I don't know why he -- the 12 guidelines were not policies and procedures. They 13 were guidelines, and the subject matter and focus of 14 those guidelines did not encompass AWP -- specifically 15 AWP or pricing or any -- any aspect of pricing.</p> <p>16 BY MS. ST. PETER-GRIFFITH:</p> <p>17 Q. Why didn't they?</p> <p>18 A. It was --</p> <p>19 MS. CITERA: Objection to form, outside the 20 scope.</p>	<p>1 Charlie Brock in his capacity with working with the 2 Business Conduct Committee, no.</p> <p>3 Q. What did they tell you about 4 Mr. Gonzalez's role in compliance matters?</p> <p>5 A. Nothing specifically.</p> <p>6 Q. What about Mr. Hodgson and Mr. Burnham, 7 they had previously held leadership roles within HPD, 8 didn't they?</p> <p>9 A. Whew.</p> <p>10 Q. I know I might be taxing your memory.</p> <p>11 A. Burnham, no.</p> <p>12 Q. Okay.</p> <p>13 A. To my knowledge, Burnham became CEO in 14 '89, and prior to that, he was CFO, and I don't that 15 he -- I don't -- I think he came in as CFO.</p> <p>16 Q. Okay.</p> <p>17 A. But I'm not positive of that.</p> <p>18 Q. Do you --</p> <p>19 A. I know he succeeded CEO from CFO. 20 Burnham -- or not Burnham. Hodgson had various 21 responsibilities before becoming President, and 22 immediately prior to being President, he was President</p>
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<p>1 MS. ST. PETER-GRIFFITH: It's not outside the 2 scope.</p> <p>3 THE WITNESS: It was -- it wasn't the scope of 4 the guidelines. The guidelines dealt with program 5 funding.</p> <p>6 BY MS. ST. PETER-GRIFFITH:</p> <p>7 Q. Did Mr. Gonzalez ever address the issue of 8 whether or not there should be a formal prohibition 9 against discussions of AWP, spread or spread marketing 10 within Hospital Products Division?</p> <p>11 A. I do not know that.</p> <p>12 MS. CITERA: Same objections.</p> <p>13 BY MS. ST. PETER-GRIFFITH:</p> <p>14 Q. Did you do anything to research that?</p> <p>15 A. No.</p> <p>16 Q. Did you do anything at all to research 17 Mr. Gonzalez's involvement in compliance matters in 18 his capacity as President of HPD?</p> <p>19 A. Other than talking with -- talking with 20 Mike Sellers and Ginny Tobiason as members of HPD and</p>	<p>1 of the international division, Abbott International, 2 and prior to that, I don't know.</p> <p>3 The only -- funny story. The only 4 reason I know he had any connection to HPD was he was 5 Plant Manager in the '60s of Ashland, and he used to 6 go to the country club pool after work and practice 7 rolling his kayak.</p> <p>8 Q. Okay. Did you do anything to research 9 what Mr. Hodgson or Mr. Burnham's role was in 10 compliance matters at any time from '91 through 2003?</p> <p>11 A. Neither of them would have been there that 12 long, but in the period of time that they were there, 13 no.</p> <p>14 Q. Sir, how did you decide what testimony to 15 review and what witnesses to interview in preparation 16 for your testimony here today?</p> <p>17 A. I do --</p> <p>18 MS. CITERA: Objection to form.</p> <p>19 THE WITNESS: Yeah.</p> <p>20 I described the witnesses -- why I 21 talked to the people I talked to was as a result of 22 conversations with counsel in identifying pieces of</p>
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